Planning Process

Fairview Detailed Area Plan
(Including Dutch Village Road Commercial Area)

Planning Department
City of Halifax
November 1975

City of Halifax

Planning Department

To: The Residents and Businessmen of Fairview

Dear Friend,

The Planning Department is beginning the preparation of a detailed plan for the Fairview-Dutch Village Road area. The detailed plan is a requirement of the Municipal Development Plan, or MDP.

In preparing the detailed plan, staff of the department will be talking with you, the citizens and businessmen, at a series of public meetings to listen to your ideas and concerns for the future of the area. We can make no promises that what you want will be what we can recommend in the final analysis; but we do want to listen, and to work with you in carrying out our professional responsibilities to the City, and we will try to accommodate as many of your concerns as we can. We will also try to help you understand our recommendations as they develop.

To help you to understand how a detailed plan is prepared, we have written this paper. It should make it easier for you to participate as we work through the process with you and your neighbours.

This report should be used along with the Information Report which provides considerable material on the people, the area, and the activities that take place there.

I hope you will be able to work with the staff of the department in developing a plan for the future of your area.

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Director of Planning

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INTRODUCTION

Public participation in planning is an important responsibility of, and opportunity for, the citizens of Halifax. Interested persons in the Fairview area are encouraged to become involved in local planning meetings with City staff on a regular basis. We ask that you read through the background Information Report as well as this Planning Process paper and bring any questions and comments to the first meetings. In other areas these meetings have come to be known as Detailed Area Planning Committees (or DAPC's); they are not really formal committees at all; they are open to everyone and you are welcome to attend.

Department staff at the Planning Information Office are available to answer questions daily from 9:00 a.m. - 4:30 p.m. They will also supply other information materials, and can refer you to the appropriate persons for technical advice. We are looking forward to working together with you for the next six months or so.

Planning Information Office:

Location - Basement Level, City Hall

Hours - 9:00 a.m. - 4:30 p.m. Monday-Friday, except Holidays.

Phone - 426-7652

Information Officer: Donita Boyd
Secretary: Barbara McLaughlin

0.1 Organization of Report

Part 1 explains detailed area planning, its objectives, the process and the timeframe, as well as the ways in which the public may participate in policy formulation. It also introduces the discussion of some planning issues which will be the main focus of the public consultation.

The second part outlines the general legislative context for detailed planning. It provides an overview of the Nova Scotia Planning Act, the Halifax City Charter and the Halifax-Dartmouth Regional Development Plan and the City of Halifax Municipal Development Plan with respect to their relevance to the detailed area planning process.

The third part of this report reviews various development control and regulatory methods which may be used to implement the objectives and policies of a detailed area plan. It outlines the range of alternatives which may be employed to manage change and new developments in the planning area.

The fourth and final part briefly mentions current fiscal programs of the City and senior governments.

The issues and process suggested here are by no means definitive, rather, they are meant to initiate a dialogue between the City Planning Department and the residents and businessmen of the Fairview area. We invite the public to identify additional problems and opportunities or modify the boundaries of the planning area, and then to participate in developing the policies, programs and controls that will guide future development in Fairview.

PART 1: DETAILED AREA PLANNING

The Halifax Municipal Development Plan (MDP) objectives and policies provide policy guidance for Council in regulating the future development of the City. Detailed area planning is intended to further refine this policy guidance for particular sections of the City.

Detailed area planning is meant to deal with stability and change at the neighbourhood level, to both preserve and maintain the nature of the urban environment and, at the same time, to accommodate pressures for growth and development in appropriate locations. Citizens in the local neighbourhood are consulted regarding how they interpret the character of their area, and what problems or opportunities they see regarding future growth. The existing buildings and uses, as well as the costs of providing municipal services for new developments are other factors that must be considered. The intent is to arrive at an acceptable area plan which promotes stability and accommodates change.

Detailed Area Planning is being conducted in Fairview primarily because:

1. Zoning of the residential areas has been R-4 high density residential which is largely inconsistent with the existing low and medium density land uses;

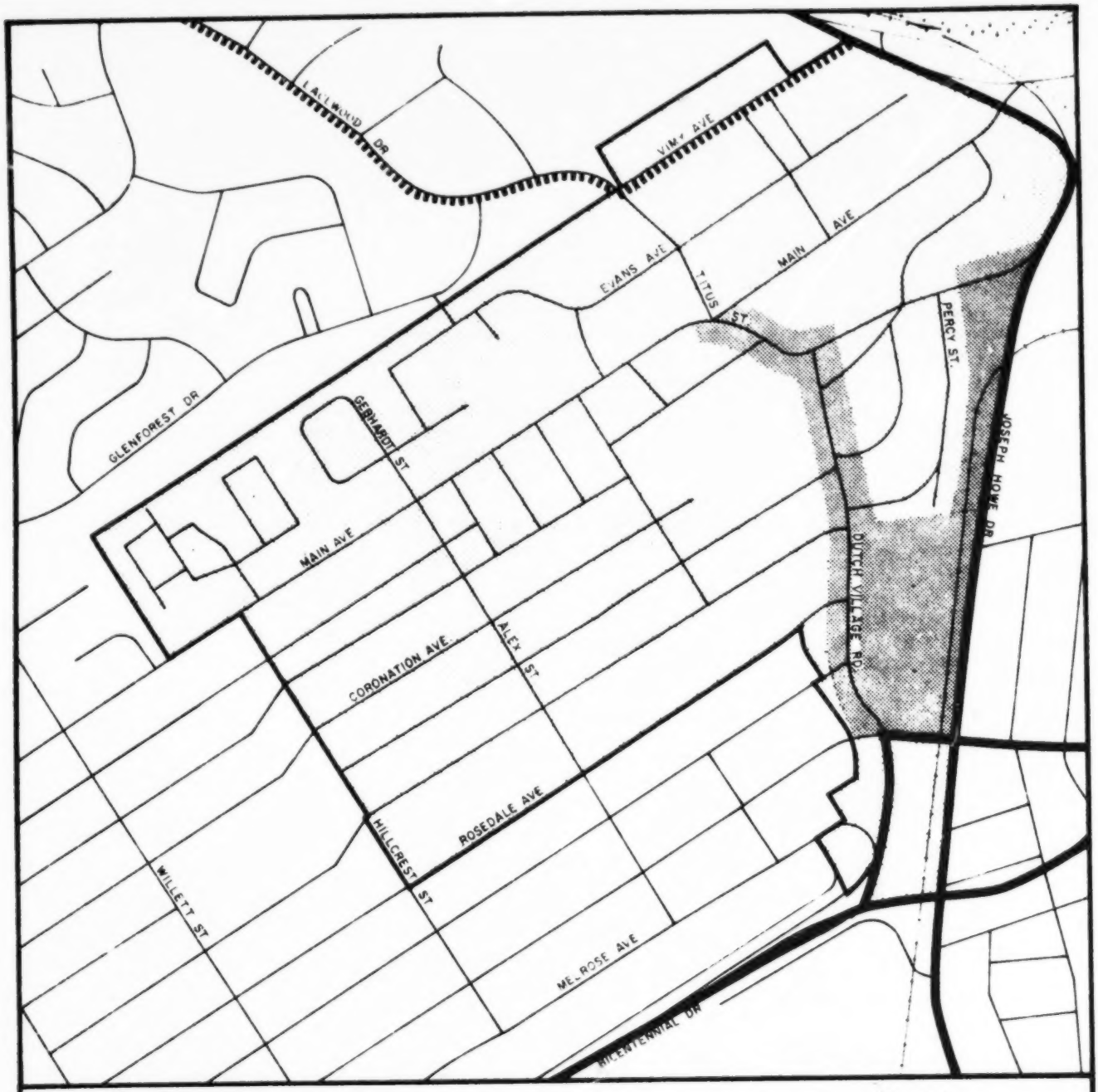
2. The zoning of the commercial area along Dutch Village Road has in the past encouraged strip development and (under the provisions of Schedule E) may permit more intensive commercial and residential uses than now exist.

Map 1 of this report, taken from Map 9 (the Generalized Future Land Use Map) of the MDP illustrates the overall policy intent of the Plan in regard to how land use may evolve: it identifies the predominantly residential and commercial environments.

Through detailed area planning, the character of the residential environment, the type of commercial area and appropriate land use controls will be defined more exactly.

In working towards the preparation of the Detailed Area Plan (DAP), the planning process must review the MDP objectives and policies, discuss their relevance in guiding future development in the area, and ultimately develop specific objectives and detailed policies for the area within the framework of the MDP objectives and policies.

Generally, in terms of land use, a Detailed Area Plan recommends policies and regulations which reflect present land use while allowing for some development of a similar character.



Fairview Detailed Area Plan

Map 1-1
November 1982

Generalized Future Land Use (see Policy Set 12+)

Residential Environments++
Commercial

Principal Streets
Accepted (Policy 8-6)
Not Accepted (Policy 8-6-2)

+ In areas designated for detailed planning the City shall resolve the exact nature of the desired land use pattern in accordance with the policies of this Plan.

++ Including community open spaces and other neighbourhood uses.

Feet
0 500

Municipal Development Plan, Map 9

Planning Department
City of Halifax

1.2 Plan Components

The structure of the Detailed Area Plan should be similar to that of the Municipal Development Plan, of which it will become a part. It will consist mainly of:

1. Objectives and Policies

The statement of specific policies and a generalized future land use scheme particular to the area will comprise the core of the detailed area plan. The DAP may, for example, recommend amendments to the Generalized Future Land Use Map as well as policies regarding the type and density of uses and buildings. These objectives and policies would be forwarded to City Council and the Minister of Municipal Affairs for approval.

2. Programs and Procedures

Other related programs and/or procedures may be suggested to City Council, for instance, budget expenditures to aid in the implementation of the plan, and further studies and review to supplement the area plan. These may be adopted by City Counil, but would not form part of the official Plan approved by the Minister of Municipal Affairs.

3. Zoning Regulations

The Zoning Regulations are, in accordance with the Planning Act, a significant component of detailed area planning. Planning is basically a two function process:

(1) policy formulation, and
(2) drafting zoning regulations.

Whereas policies influence day-to-day development decisions, the main implementation element is zoning. In Nova Scotia, there is a mandatory requirement for a zoning bylaw to implement and be consistent with any MDP, and as in this case, any DAP. The latter stages of the planning process after the formulation of objectives and policies will be the development of zoning regulations appropriate for the implementation of the area plan. These will also be subject to City Council adoption and Ministerial approval.

1.3 Planning/Public Consultation Process

(1) Initiation - Detailed area planning for the Fairview/Dutch Village Road Commercial area, as recommended by section 1.5.2 of the Municipal Development Plan, is initiated by the City of Halifax Planning Department by researching basic information about the planning area.

(2) All area residents, landowners and businessmen are invited to a public Information Meeting (November 22, 1982), where the Information Report and the Planning Process paper are presented. Residents are urged to participate in the policy development phase of the planning process during the following year by:

(a) Coming to regular meetings with City planner(s), to develop a policy framework for the Detailed Area Plan; and (or)

(b) Attending a second general Public Meeting in approximately six months to respond to a first draft of the Detailed Area Plan.

(3) All interested persons are invited to attend a series of regular meetings, starting with Monday evenings, November 29th, December 6th and 13th, and resuming in the New Year, to work together with the City Planning Department as the local Detailed Area Plan Committee (DAPC). The committee can begin by discussing the information presented in the reports and then identify additional problems and opportunities in the area; define objectives for the future; develop future land use policies; discuss development control measures and any other planning issues. The committee is not a formal structure with powers; it is an open forum, which anyone can attend.

In consultation with this committee and taking into consideration city-wide objectives and policies, the planners will develop a draft Detailed Area Plan for Fairview and will review it with the DAPC. It is not assumed that agreement between City planners and residents will be reached on all issues. The DAPC may also develop policy recommendations independently, and Planning Department staff will provide any assistance that is necessary to see that they are given a fair hearing.

(4) A second major public meeting for all Fairview residents will be held in mid 1983 to present a draft Detailed Area Plan and proposed zoning bylaws regulations. Public comments at this meeting may be incorporated in a second draft for presentation to the Planning Advisory Committee (PAC).*

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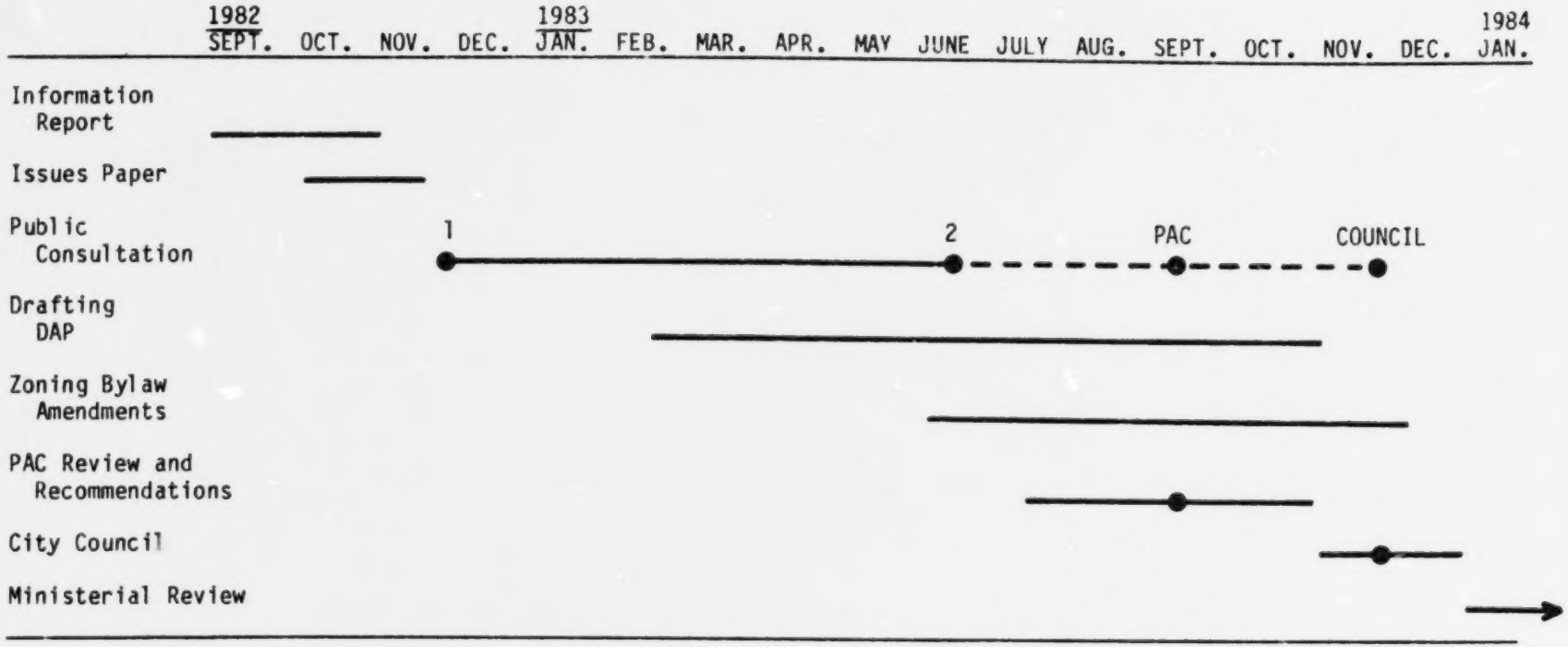
* The PAC is an advisory committee to City Council, composed of aldermen and citizens, which makes recommendations regarding amendments to the Municipal Development Plan. (See Section 2.4 of the Information Report)

FIGURE 1.4 FAIRVIEW DETAILED AREA PLAN WORK PROGRAM



Code: ● Major Public Meetings and Hearings

(5) The Planning Advisory Committee will hold a general Public Meeting on the proposed Detailed Area Plan. Depending on public response, the PAC may form a sub-committee to consider the plan and comments received, and may suggest revisions before recommending approval to City Council.

(6) After the PAC forwards the final draft of the Detailed Area Plan to City Council with its recommendations, City Council will hold a Public Hearing on the Plan and proposed Zoning Bylaw amendments.

(7) When Council adopts the Detailed Area Plan for Fairview as part of the Municipal Development Plan and approves the Bylaw amendments, the Plan and Bylaw amendments are sent to the Minister of Municipal Affairs for approval.

(8) The Detailed Area Plan and Zoning Bylaws take legal effect when signed by the Minister.

FIGURE 1.4 - shows the anticipated timetable for the development and adoption of a Detailed Area Plan for Fairview. Initially, approximately six months will be devoted to consultation with the public in the planning area; during that time, additional research reports may be required and produced, and a first draft of the Plan prepared and reviewed by the local committee. Further draft revisions are presented to a second general Public Meeting in Fairview, and then to the Halifax Planning Advisory Committee, while at the same time, appropriate Zoning Bylaw amendments are being drafted.

All City residents are given the opportunity to comment at the PAC Public Meeting and the subsequent Council Public Hearing on the final draft revisions. The DAP adopted by Council is forwarded to the Minister for approval.

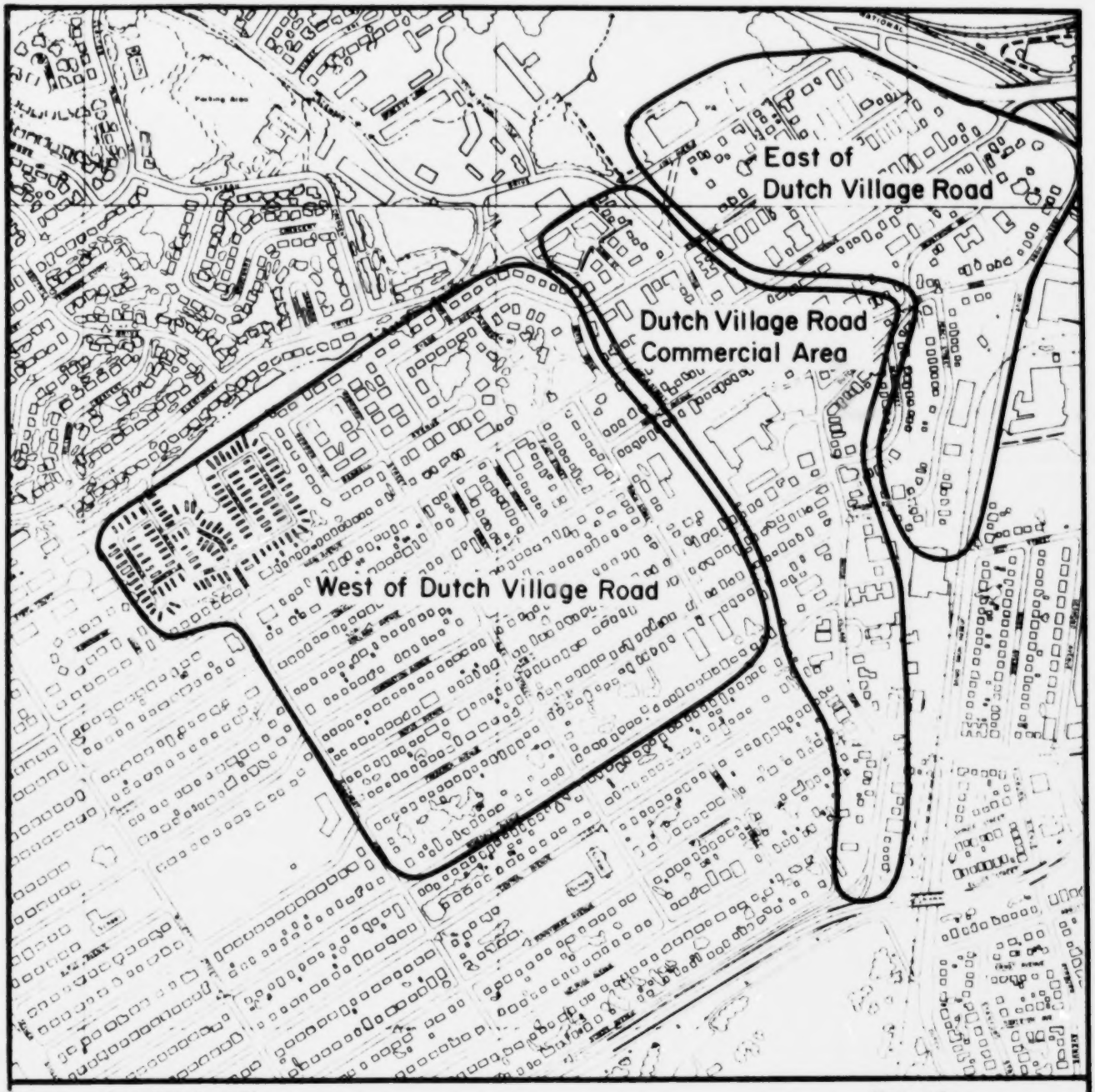
1.5 Sub-Areas For Planning

To help think about issues and land use within the planning area, the sub-areas shown on Map 1.6 are suggested, based on land use type as well as location:

- West of Dutch Village Road, a relatively stable housing area of medium density, with mainly older single family houses south of Main Street and a Mobile Home Park, small apartment buildings and some newer houses north of Main Street.

- East of Dutch Village Road, an area of mixed housing types where new apartment buildings have been developed in the past decade.

- Dutch Village Road Commercial area, a mixed use area with commercial and institutional uses concentrated along Dutch Village Road and Titus Street. The widening of Dutch Village Road and Titus Street in the next few years may present some problems as well as opportunities for local businessmen. Residents on the adjoining side streets should participate in developing policies to deal with some of these impacts.



Fairview Detailed Area Plan

Map 1 6

November 1982

General Sub-Areas

Feet

0 500

Planning Department
City of Halifax

1.7 Discussion of Issues Within MDP Policy Framework

On the following pages, brief discussions of some residential and commercial issues in the planning area, as seen by the Planning Department, are followed by the MDP objectives and policies relevant to these issues.

These issues should not be considered in isolation. In the course of the detailed area planning process, they will be discussed in light of the other objectives in the MDP. The reader may wish to refer to the complete Municipal Development Plan*, and The Zoning Bylaw* , which include policies and regulations regarding:

Residential Environments
Commercial Facilities
Industries and Institutions
Heritage Resources
Community Facilities
Environment
Transportation
Services and Finance
Citizen Participation
Generalized Future Land Use

Read through all the policy sets and note how they relate to and influence each other.

Discussion of the MDP city-wide policies will suggest ideas for more detailed policies specific to the Fairview area, which should also work to meet the overall City objectives. Members of the public are encouraged to suggest additional ideas or critiques.

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* If you don't already have a copy, the Municipal Development Plan and the Zoning Bylaw are available from the Planning Information Office. For a better understanding of the importance of these documents, please refer to Parts 2 and 3 of this paper.

1.7.1. Detailed Area Planning Policies

The objectives of detailed area planning are stated in policy set 1.5 of the Municipal Development Plan, under the "Residential Environments" policies. As has already been discussed, the general intent of detailed area planning is to zone areas considered vulnerable to change to zoning classifications more indicative of their existing use.

> Policy 1.5.1 The City views the neighbourhood as the foundation for detailed area planning. In the process of detailed area planning, residents shall be encouraged to determine what tney consider to be their neighbourhoods, and to work with City Council and staff in arriving at an acceptable definition of their neighbourhood and a neighbourhood plan.
>
> Policy 1.5.3 Detailed area plans may deviate from the boundaries shown on Map 3 when justified to accommodate a neighbourhood's characteristics or at the request of the residents of the area.
>
> Policy 1.5.4 The City shall resolve the "soft area" classification of those areas identified in the official City report entitled Areas for Detailed Planning, July, 1977 and indicated on Map 4 and Schedule II.1 through a program of re-zonings to classifications most closely conforming to their existing use except when there is adequate justification, after investigation, for leaving their zone classification different from their present use.

- Do you feel that the analysis of the area in the Information Report and in these pages is compatible with your more intimate experience of the area? (Policy 1.5.1)

- What are your comments on the boundaries of the study area? (Policy 1.5.3)

During the next few months, planning staff will explain zoning in more detail at the DAPC meetings. We will discuss with you whether the zoning in your area should be changed to conform to existing use, or if the present zoning is appropriate (Policy 1.5.4).

EXCERPTS FROM PART II
HALIFAX MUNICIPAL DEVELOPMENT PLAN

CITY-WIDE OBJECTIVES AND POLICIES

1. RESIDENTIAL ENVIRONMENTS

OBJECTIVE 1 — The provision and maintenance of diverse and high quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.

Policy 1.1 — Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland, and should be related to the adequcy of existing or presently budgeted services.

Policy 1.2 — The integrity of existing residnetial neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

Policy 1.4 — Because the differences between residential areas contribute to the richness of Halifax as a City, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.

Policy 1.7 — The City should permit the redevelopment of portions of existing neighbourhoods only at a scale compatible with those neighbourhoods. The City should attempt to preclude massive redevelopment of neighbourhood housing stock and dislocations of residents by encouraging infill housing and rehabilitation. The City should prevent large and socially unjustifiable neighbourhood dislocations and should ensure change processes that are manageable and acceptable to the residents. The intent of this policy including the manageability and acceptability of change processes, shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.

Policy 1.8 — The City shall foster the provision of housing for people with different income levels in all neighbourhoods, in ways which are compatible with these neighbourhoods. In so doing, the City will pay particular attention to those groups which have special needs (for example, those groups which require subsidized housing, senior citizens, and the handicapped).

1.7.2 Residential Environments

As shown on Map 1.1, most of the Fairview planning area is designated as "residential environments" on the Generalized Future Land Use policy map of the MDP. This is a very broad designation, including all types of residential buildings from single family houses to high-rise apartments, as well as uses such as schools, churches and corner stores.

Through detailed area planning, different neighbourhoods may be designated for different housing types and population densities, thus enhancing neighbourhood stability (Policy 1.4). Residents want to know what kind of redevelopment is allowed "as-of-right" (according to the zoning) in their neighbourhood.

The present zoning allows multiple dwelling development under contracts through the provisions of Schedule E. The oldest part of Fairview has already felt the pressures of higher density redevelopment. Its convenient location just outside Peninsula Halifax and handy to major shopping facilities and transportation routes makes it attractive for new development.

MDP policies call for new or re-development to be related to the needs and characteristics of the existing neighbourhood (Policies 1.2 and 1.7).

- Is it desirable to maintain the existing form of lower density housing in all localities in Fairview?

- What kinds of new development are desirable: renovation, conversion to flats, medium density rowhousing, small apartment buildings?

- What parts of the area should be designated for:

  - low density residential uses (mainly single family houses, about 15 persons per acre);

  - medium density residential uses (e.g. duplexes, basement apartments, attached (row) housing, about 25 persons per acre);

  - high density residential uses (e.g. multiple dwelling apartment buildings with population densities up to 75 (Mainland) or 125 (Peninsula) persons per acre).

2. COMMERCIAL FACILITIES

OBJECTIVE 2 The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.

Policy 2.1 The City shall encourage a variety of commercial centres to serve the variety of community needs and shall seek to do so under Implementation Policy 3.7. Provision shall be made for neighbourhood shopping facilities, minor commercial centres, major commercial centres, shopping centres and regional centres.

Policy 2.1.1 Neighbourhood shopping facilities should service primarily local and walk-in trade, and should be primarily owner-occupied. They shall be encouraged to locate at the intersections of local streets rather than in mid-block. Neighbourhood shopping facilities may include one business (for example, a corner store) or a cluster of businesses. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

Policy 2.1.2 Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres, and shall encourage contiguity of commercial or association uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local offices, restaurants, cinemas, health centres and multi-service centres. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.

Policy 2.1.3 Major commercial centres should service a market area comprising most or all of the city. These centres may include major offices and hotels, in addition to uses suggested for minor commercial centres. The City should encourage parking facilities in these centres to serve several businesses in order to limit nuisance impact. The City's policy for major commercial centres in all other respects should be identical to Policy 2.1.2.

Policy 2.3 The City shall set appropriate standards as part of the detailed area planning process to regulate strip commercial development. These standards will be directed at solving the problems connected with this type of development; for example, excessive turning movements and access points, fragmented and poorly located parking, difficulties of pedestrian circulation, servicing problems, and nuisance to adjacent uses.

Policy 2.4 The City shall encourge the provision of public facilities (for example, street furniture, sign information, lockable bicycle racks, and public washrooms) in minor and major commercial centres, shopping centres and regional centres. The City shall set guidelines to improve and upgrade older developed areas.

Policy 2.5 Commercial areas, with the exception of neighbourhood facilities are indicated on Map 5. These commercial areas located within the bounds of an area designated for detailed planning shall, unless otherwise noted on Map 5, be resolved as to type through the detailed area planning process.

Policy 2.5.1 The locations of neighbourhood facilities should not necessarily be predesignated, but such facilities should be allowed, provided they would accord with Policy 2.1.1. This policy shall serve as a guideline in rezoning decisions in accordance with implementation Policies 3.1 and 3.2 as appropriate.

1.7.3 Commercial Facilities

The Dutch Village Road/Titus Street Commercial Area, which presently includes a mix of types of commercial establishments as well as residential and institutional uses, is generally described as "strip commercial" (Policy 2.3).

MDP policies seek to establish different types of commercial areas to serve the local neighbourhood (Policy 2.1.1), or to serve several neighbourhoods (Policy 2.1.2, Minor Commercial Centres), or to serve the whole City (Policy 2.1.3, Major Commercial Centres). These policies are implemented through the Zoning Bylaw, which defines the types of uses permitted as well as the size of buildings, parking requirements, etc. in C-1 (Local Business), C-2A (Minor Commercial) and C-2 (Major Commercial) zones.

The types of uses presently located along Dutch Village Road are typical of Local Business and Minor Commercial zones.

- The DAP should give direction on what type of shopping area it is or might become (Policy 2.5), and where any development should be concentrated (Policy 2.3).

The street widening of Dutch Village Road and Titus Street over the next three years will solve some of the problems mentioned in Policy 2.3 and considerably change the environment by improving traffic flow and providing a sidewalk with limited curb cuts for access to parking. It may also be seen as an opportunity to create a new image and growth for Dutch Village Road businesses.

- Are new problems foreseen as a result of these changes?

- How can businessmen and residents work together to solve problems and enhance the environment (Policy 2.4)?

As stated earlier, this brief discussion of issues and policies is only a limited introduction to detailed area planning. Other Municipal Development Plan policies, for example, on Community Facilities, Environment, Industries and Transportation, will also be major areas for discussion in the course of the planning process. Any land use issues of concern to local citizens may be brought up for consideration during the public consultation process.

PART 2

LEGISLATIVE CONTEXT FOR PLANNING

A detailed area planning process derives its intent and mandate from those bodies of legislation which give guidance to planning in the Province of Nova Scotia and the City of Halifax. In the following section, the Nova Scotia Planning Act, the Halifax City Charter, the Halifax-Dartmouth Regional Development Plan and the City of Halifax Municipal Development Plan are reviewed and discussed briefly with reference to their influence on the detailed area planning process in Fairview.

2.1 The Planning Act

The Nova Scotia Planning Act*, (1969) is the primary body of enabling legislation which regulates planning and development in the Province. The Planning Act establishes the powers and duties of the Provnce and municipalities and provides a framework within which municipalities and regions can develop plans for their future based on the goals and objectives of their residents.

The Planning Act is divided into eleven sections, dealing specifically with:

I	Administration
II	Regional Development Plans
III	Municipal Development Plans
IV	District Planning Commissions
V	Transitional Provisions
VI	Special Development Control Areas
VII	Zoning Bylaws
VIII	Non-Conforming Uses
IX	Subdivisions
X	Municipal Board
XI	General

The Halifax-Dartmouth Development Plan (1975) and the Municipal Development Plan for the City of Halifax (1978) were prepared and adopted as a consequence of the Planning Act requirements. The City's Zoning Bylaws and other methods of development control are also authorized by and formulated in accordance with provisions in the provincial Planning Act. The rights of individual property owners are defined and protected by the sections dealing with Non-Conforming Uses and the Municipal Board.

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* Chapter 16 of the Revised Statutes of Nova Scotia enacted in 1969.

Detailed area plans are more specific applications of the policies of a municipal development plan at a neighbourhood/ community level. They are subject to the provisions of Part III of the Planning Act as they eventually form amendments to the Municipal Development Plan, when adopted by Council and approved by the Minister of Municipal Affairs. Detailed area plans are also subject to the requirements of Part VII of the Act pertaining to Zoning Bylaws. In seeking to regulate the form, substance and phasing of public and private developments, the detailed area plan can employ development control regulations provided for in the Act.

The legislative pronouncements of the Act regarding Zoning Bylaw regulations are generally as follows:

1. provide guidance on the level of detail which the regulation can involve;

2. dictate the limitations of the way in which the regulatory techniques may be used;

3. allow for the establishment of "comprehensive development district" (Section 33(2)(c));

4. allow for contract zoning (Section 33(2)(b));

5. permit conditional zoning (Section 33(5));

6. establish the public notification requirements which must be enacted prior to adoption of the regulations by Council;

7. outline the authority of Council in amending, revising or repealing the regulations; and

8. establish the appeal procedures.

Whereas the Planning Act is the prime legislative instrument providing general planning guidelines in Nova Scotia, the Halifax City Charter also contains stipulations with regard to planning and development at the municipal level.

2.2 The City Charter

The Halifax City Charter* outlines the constitution, powers and duties of the City council, Committees, Boards and Commissions, and those of City department Directors and employees.

PART VII, Works and City Property, deals with streets, sewers, local improvements and the expropriation and use of land by Council.

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* The Act relating to the City of Halifax, Chapter 52 of the Revised Statutes of Nova Scotia enacted in 1963.

Part VIII, Buildings, deals with minimum building standards, inspection permits and regulatory powers of Council.

Part XII, Planning and Development, outlines procedures the city will follow in certain planning related matters.

The most significant sections of Part XII are 533(1) relating to lot consolidation; sections 535, 536 and 537 relating to development plans (in particular, detailed rehabilitation development plans); and sections 538A and 539 relating to development agreements.

The City uses these sections of the charter in matters of development control while at the same time proceeding to develop plans under the provisions of the Nova Scotia Planning Act.

2.3 The Halifax-Dartmouth Regional Plan

The problems facing individual municipalities are becoming increasingly difficult to resolve in isolation from the activities of adjacent communities. The Municipal planning process deals with issues and forces which have become increasingly interdependent and require co-ordinated planning solutions. Regional planning in Nova Scotia has been defined as follows:

> "integrating certain features of Province-wide planning, which concentrates on goals and policies for the whole Province and is primarily socio-economic-environmental, and municipal planning, which focuses on specific local areas and tends to relate more closely to the built environment, the use of land and the provision of services to people and property.*

The Halifax-Dartmouth Regional Development Plan was adopted upon approval by the Governor-in-Council in April, 1975. It was prepared under the auspices of Part 2 of the Planning Act. It provided for the direct assumption of development control and zoning regulations by the Director of Community Planning of the Department of Municipal Affairs, where no municipal development plans were in effect.

Several growth "scenarios" were developed for the Halifax-Dartmouth region, and the Regional Plan authors concluded that the population would double by 1991, the increased growth to be accommodated at an average gross residential density of 20 persons per acre. The spatial implications of this growth in terms of land use and the designation of employment centres within the region and the transportation systems necessary to service the growth of the region are the major focus of the Regional Plan.

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* Reg Lang, Town Planning Act Review, (1969).

However, considerable disparities are now found between the authors' growth assumptions and actual population figures from the 1976 and 1981 Census, questioning the basis and effective application of the plan.

Nevertheless, the Regional Plan was the established framework within which the City of Halifax prepared its Municipal Development Plan. The Detailed Area Planning Process in Fairview must address policies and objectives of the Municipal Development Plan.

2.4 The Halifax Municipal Development Plan

In the spring of 1974, City Council created a Municipal Development Plan Committee (MDPC), with a mandate to prepare a development plan for the City. The Committee was chaired by the Mayor, and included the ten alderpersons plus nine appointed citizens. In addition to its responsibility for putting forward an MDP, the Committee had the task of seeking public opinion on the matter, which it pursued through public meetings, "open house" discussions with City staff, the soliciation of written briefs, and discussion with community groups.

The process of formulating the plan proceeded from the general to the particular, from broad statements of what the City wished to achieve (objectives) to more specific statements of how these objectives could be realized (policies, guidelines, standards). Council adopted several fundamental reports which were subsequently incorporated in the MDP.

Most important was the adoption in 1976 of the Statement of Objectives and Policies for the Halifax Municipal Development Plan. This document was adopted after considerable staff input, lengthy public review and debate, and the revisions required as a result of submissions by the public. This document provides the basic planning framework for the more detailed policies and regulations which the City had to evolve under the Nova Scotia Planning Act. Similarly, the objectives and policies for the Central Business District and for the Halifax Waterfront Development Area have evolved over the past several years with the assistance of the MDPC and of the Downtown Committee. Those statements were adopted by Council, after wide public review, in April of 1977. Taken together, these Statements of Objectives and Policies form the basis of Part II, the Municipal Development Plan.

Having decided on the Statements of Objectives and Policies, the next step was to focus in greater detail on the specific issues which required decisions to meet our needs for, on the one hand, protecting and preserving our residential environments, and, on the other, providing for new growth and development. This led to the adoption of two major policy reports in early 1977: Land Development Distribution Strategy and Areas for Detailed Planning, which have since been incorporated in Part III, Programs and Procedures, of the MDP.

The Land Development Distribution Strategy report examined the questions of "how much development?" and "where?". By evaluating ten alternatives which had differing population sizes concentrated in various areas of the City against the cost of services (such as police, fire, sewer, water, schools and parks) and its objectives and policies, the City was able to develop a feel for the best size and distribution alternatives. The result of this exercise is a policy decision which states that the City of Halifax can best accommodate a population of about 185,000 with primary emphasis on increasing the density of the Peninsula (which has declined in recent years) and encouraging development in Mainland North (that area between the Bicentennial Highway and Bedford), while discouraging development in Mainland South.

The Areas for Detailed Planning report focused on the already developed areas, and classified them according to "hard" (stable) and "soft" (unstable) area categories. Hard areas generally identified sectors of the City in which existing development conformed to the zoning and which were not expected to change in nature or use. Soft areas, on the contrary, were felt to be more susceptible to change as a result of socio-economic pressures or government action due to the permissive nature of prevailing zoning provisions.

The report emphasized the necessity for detailed strategies to regulate change and provide a means for stability in the designated "soft" areas, and identified ten areas for detailed planning, in the following order of priority:

(1) the Old South End and Peninsula Centre
(2) Spring Garden Road Commercial Area
(3) Peninsula North/Gottingen Street
(4) Mainland South/Herring Cove Road
(5) Fairview Cove/Negro Point
(6) Quinpool Road Commercial Area
(7) Bedford Highway Area
(8) Simpson's/Eaton's Area
(9) Fairview Area/Dutch Village Road
(10) the Watershed Lands

The Halifax Municipal Development Plan was adopted by City Council and approved by the Minister of Municipal Affairs in 1978. The MDP Committee has been reconstituted as the Planning Advisory Committee (PAC), to advise Council on the interpretation of the MDP, and to make recommendations regarding additions and amendments to the MDP. Most of the "soft" area planning proposed by the MDP has been undertaken.

The Detailed Area Plan for the South End and Peninsula Centre were approved by Council in 1981 and will be incorporated as Section V in Part II of the MDP upon final approval by the Minister of Municipal Affairs. The Peninsula North and Mainland South Detailed Area Plans are presently being reviewed by the Planning Advisory Committee. The Spring Garden Road and Quinpool Road plans are now in the final draft stages. This paper and the accompanying Information Report is the first step toward the development of a Detailed Area Plan for the Fairview and the Dutch Village Road Commercial areas.

The MDP is first and foremost a statement of policies and development objectives. The policies of Part II of the MDP that are relevant to Fairview will be considered in the detailed area planning process. Part III of the MDP contains several additional strategies and procedures to guide the City in achieving its objectives, such as the preservation of heritage resources, and strategies for recreation, zoning, impact assessment and citizen participation.

Supplementary policy reports, such as the proposed Mainland North Servicing Strategy (June, 1982) are part of the continual review, updating and elaboration of MDP policies. The whole provides a framework for the evaluation of more specific area plans and development proposals and guides the way in which the City will use its regulatory powers, such as the Zoning Bylaw.

PART 3

DEVELOPMENT CONTROL TECHNIQUES

An important element of any planning process is the adoption of development control regulations to ensure that the policies and objectives of the plan are met in the implementation phase. The Nova Scotia Planning Act permits the use of a variety of development control methods (based on a Municipal Development Plan prepared and adopted under the provisions of that Act), including innovative and flexible variations of the traditional zoning approach. As well, the planning legislation contained in the Halifax City Charter also permits direct development control through the use of techniques apart from the Zoning Bylaw.

The purpose of this part of the information report is to outline the conventional as well as innovative control methods which may be employed to implement a detailed area plan. How some of these methods are presently used in the Fairview area is briefly described. As part of the detailed area planning process, citizens may discuss the future applicability of these methods to different sub-areas of the Fairview Planning area.

3.1 Zoning

Zoning Bylaws primarily regulate the location of uses in conformity with the policies and objectives of the Municipal Development Plan. Generally, an area of land, which may be as small as one lot, is designated for one type of land use, such as "two family dwelling zone" or "minor commercial zone". The uses and placement and sizes of buildings permitted within each zone are defined in the Zoning Bylaw.

It is a method of development control which is extremely useful in areas characterized by uniform land uses, but is more difficult to employ in areas where a mix of uses is desired, or deemed appropriate, especially when design guidelines and building form controls must also be respected.

The City of Halifax currently has two separate Zoning Bylaws, one for the Peninsula Area and one for the area of the Mainland annexed in 1969. In Fairview, the Peninsula Zoning Bylaw applies on the east side of Dutch Village Road, and the Mainland Zoning Bylaw applies on the west side (See Map 10). Thus the commercial uses permitted on opposite sides of Dutch Village Road are somewhat different. City staff and the Planning Advisory Committee are working on a Consolidation of the two Zoning Bylaws. As part of the Detailed Area Plan for Fairview, new zoning categories may be developed if required. The legal authority for zoning is found in Part 7, Section 33 of the Nova Scotia Planning Act and City of Halifax zoning implementation policies are found in Part II of the MDP.

Although a zoning bylaw may not allow certain forms of land use in a particular area, this does not necessarily imply that the uses excluded are inappropriate. On the contrary, it merely suggests that in view of Council, through the application of its zoning bylaw, the area in question should not be dominated by such uses, even though they may be appropriate in isolation or to a limited extent. For this reason, more flexible methods of development control have been conceived.

3.2 Minor Variance

Where a building permit cannot be issued under provisions of the zoning bylaw, because the proposed development does not comply with the exact technical specifications of the bylaw, a minor variance from the bylaw may be granted.

With respect to the requirements for granting a minor variance, the Nova Scotia Planning Act states that:

> "no variant shall be granted where the difficulty experienced is general to properties in the district or area where the variance suggested is not minor or where the difficulty results from the intentional or negligent conduct of the owner in relation to the property. (Part VII, Section 44(2))."

3.3 Contract Zoning

Contract zoning was put forward in the Planning Act as a means of allowing a council to accommodate developments unforeseen when the zoning bylaw was passed, but which could nevertheless be considered consistent with the municipality's development policy.* The flexibility of this control method also encourages development and innovation. The term "contract" is used because a city council may include conditions which it feels are necessary for it to enter into an agreement with a developer in order to conform to plan policies and be in the best interest of the municipality and the area in question.

Zoning requiring a development contract for most new projects may assist the municipality to overcome two types of problems commonly encountered:

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* Development Agreements, authorized by Section 538A of the Halifax City Charter, have been used by the city in the past to allow well-planned developments that did not meet zoning requirements in cases where the land area proposed to be developed was larger than 5 acres. Such agreements are no longer used since the adoption of the MDP, which contains similar, more flexible development control provisions such as contract zoning.

(a) a situation where a developer would apply for a re-zoning based on an application for a particular form of land use, and upon enactment of the re-zoning, using the land for another purpose altogether, albeit within the new zoning designation; and

(b) establish a mechanism for municipalities to cope with uncertainty on the precise location and size of future developments. For example, where a municipality felt that a limited amount of commercial usage was appropriate in a neighbourhood on a small scale, but did not wish to designate a particular lot as commercial because of the land value appreciation which could result and the lack of control on the scale of commercial development that might take place.

Under the authority of Part VII, Section 33(2)(b) of the Nova Scotia Planning Act, the Halifax Zoning Bylaw permits the use of contracts which do not conflict with the MDP in areas where development is otherwise limited. When the MDP and Zoning Bylaws were adopted in 1978, much of the land area of the City was covered by schedules (temporary control mechanisms) to the Zoning Bylaw. The schedules superimposed stricter limits in areas with permissive zoning that were considered "soft" or in need of further planning to resolve the future land use desired. The Fairview DAP area, largely zoned for multiple dwellings, is also under Schedule "E" which limits all types of buildings to 20 (residential) units or 5,000 square feet (commercial space, etc.) and 35 feet in height. Larger developments may only be permitted after a public hearing process and Council approval of a contract.

3.4 Non-Conforming Uses

Part 8 of the Nova Scotia Planning Act outlines regulations for existing uses (or planned buildings which have a construction permit) which do not conform to the requirements of a new zoning bylaw.

When a building or buildings are regarded as being non-forming uses, no structural alterations can be made while the non-conforming use continues, whereas the use itself can be extended throughout the building. If the use of the building does not conform to the use permitted under the Zoning Bylaw, the present use may be changed to another use of the same zone classification (i.e., a clothing store to a hardware store). In addition, if the use remains the same, but the ownership changes, the use is able to continue. However, if the building is destroyed by more than fifty percent (50%) of its value, then it may only be rebuilt in conformity with the Zoning Bylaw. Furthermore, if a non-conforming use is discontinued for a period of six consecutive months or more, the subsequent use must conform to the regulations outlined by the Zoning Bylaw.

The Planning Act also includes a provision which stipulates that the owner of a non-conforming use be notified of the manner in which his/her property should be maintained (i.e., that structures must be properly painted, adequate landscaping be provided, refuse or machinery be removed, relocated, etc.) If the provisions of the notice are not followed, Council may require the termination of the non-conforming use.

3.5 Subdivision

A plan of subdivision is a means of dividing a tract of land into a number of lots for the purpose of proceeding with the development of land. The plan of subdivision is most frequently used in medium to large size undeveloped areas. In built-up areas, subdivision is most frequently applied for when a tract of land is acquired for a development and the owner wishes to construct more than one building on the site. An application for subdivision may also be received in the case of an owner of a parcel of land in order to sell it. An example of this would be where a development proposal does not meet the specifications of a zoning bylaw and a minor variance is not granted, the developer may attempt to purchase a portion of the land of the adjacent property owner if the difficulty with the proposed development is simply a function of some form of inadequate land area. In order to sell this land, the adjacent property owner would have to apply for a subdivision of his land and, if approval were received, then proceed to complete the sale. The proposed development might then become permissible under the requirements of the zoning bylaw.

The legislative basis for subdivision regulations is contained in Part IX of the Nova Scotia Planning Act. Halifax City Council adopted the Subdivision Regulations and Bylaws in 1977 (now incorporated in Part III of the MDP).

3.6 Lot Consolidation

Lot consolidation is essentially a subdivision in reverse. That is, the operative principle for a lot consolidation is that a building must stand on one unified lot. Therefore, where an individual owns two or more lots of land and wishes to construct a building thereon, the lots must be consolidated into one unified lot prior to issuance of a building permit.

The regulations governing lot consolidation are contained in the Halifax City Charter, Section 533(1).

In the developed area of Fairview, lot consolidation has more application than subdivision as a development control mechanism. The land is generally already divided into small lots, many too small to meet the requirements of the Zoning Bylaws for new developments.

3.7 Other

The Planning Act permits the City of Halifax to use other means of development control, which the City has not yet developed procedures for, but which may be implemented in the future. Environmental Impact Assessment is another means of evaluating the appropriateness of a proposed development. Although not acutally a control mechanism, environmental impact studies can discuss all of the effects of a development or only those effects which are of specific concern. Usually, such studies attempt to determine whether the benefits expected are greater than the possible problems. They may also recommend ways to minimize negative effects.

Impact statements may be related to the natural environment or to built-up urban areas. They may also assess the social impacts of development in terms of the capacity of local services to absorb the increased demands likely to arise after a development.

The MDP calls for procedures to be developed for Environmental Impact Assessment as part of the ongoing evolution of the Plan.

PART 4

FISCAL PROGRAMS

4.1 Municipal Capital Budget

The Capital Budget of the City of Halifax is the City's spending plan for the construction or purchase of works, plant and equipment, expressed in terms of estimated costs and priority needs. The projects identified within the Annual Capital Budget are for completion during the City's fiscal year which begins on the first day of January. The City also prepares a three year rolling forecast of estimated capital expenditures. This long-range scheme, which is a general framework for future Capital Budgets, is re-evaluated annually by City Council during its budgetary deliberations at which time additions, deletions or revisions are made to the forecast.

In the proposed capital expenditures for 1982-1984, new sidewalks, street paving and sewers are the major expenditure categories for capital works in Fairview (See Table 4.2). The Dutch Village Road, Titus Street and Main Avenue widenings and improvements alone account for over $3 million, and sewer projects account for almost $5 million, with half the projects assigned high priorities. Final Council approval will be required before the 1983 and 1984 projects can be implemented.

4.3 Federal and Provincial Funding

The Federal and Provincial governments have several funding programs in place aimed at improving our built environment. The City has information available about these programs, and helps to administer some of them. Applications for grants, however, must come directly from individual residents or groups in the community who want to initiate specific improvement projects. The following programs are currently available:

Home Repair Programs (grants and loans)

Residential Rehabilitation Assistance Program (CMHC)
- available anywhere to impove the liveability of a disabled person's dwelling
- otherwise available only in designated low-income or neighbourhood improvement (NIP) areas

Further information: Canada Mortgage & Housing - 454-8352

TABLE 4.2: CAPITAL BUDGET PROJECTS, FAIRVIEW AREA, 1981-85

TRAFFIC IMPROVEMENTS	PRIORITY*	COST FORECAST (,000)	ANTICIPATED EXPENDITURES (DATE)	SEPT. 82 STATUS**
Dutch Village Rd. Study & Construction (Sunnybrae-Howe Avenue)	A	$2200	1981-82 1983 1984 1985	c: $875, n: $500, n: $500, n: $325,
Fairview Overpass	A	6700	1981-82	c
Hillcrest Avenue (Rufus-Frederick)	A	196	1981-82	c
Titus Street (Dutch Village Road - Lacewood Drive)	B	1000	later	n
Dutch Village Road & Melrose Avenue Roadway Alignment	A	25	1981-82	c
Main Avenue (Titus - Willett) Widening	D	1200	later	n
School Avenue (End of Existing Cul-de-Sac)	A	75	1982	c
MISCELLANEOUS				
Glenforest Park - Lighting	A	14	1982	c
School Avenue-Gesner - Walkway	C	60	1985	p,n
W.D. Piercey Soccer Field	A	200	1983	n
SEWER DEVELOPMENT				
Main Avenue. (Willett-Alex Sanitary Sewer)	C	400	1985	p,n
Convoy Avenue Storm Sewer Upgrading (N.W. Arm Drive to Willett)	B	400	1984	n
Main Avenue to Central Avenue (via Hillcrest, Adelaide and Willett Street). New trunk storm sewer.	C	1000	1985	n
Bedford Highway to Titus/Vimy Avenue, New Trunk storm sewer.	B	1350	1984	n
SEWERS-GENERAL				
Alma Crescent	C	$115	1985	p,n
Fairview Storm Sewer Upgrading	A	900	1982-83	n: $600,
Coronation Ave. Sanitary Sewer	A	100	1983	p,n: $28,
Glenforest Brook Improvements	B	100	1984	p,n: $50,
Andrew Street	D	60	later	p,n
Alex Street Storm Sewer (Rosedale - Sunnybrae)	C	170	1985	p,n
Evans Avenue - Vimy Avenue Brook Improvements	B	720	1984	p,n
Fairview Sanitary Sewer Upgrade	B	375	1984-85	p,n
Main Ave. (Dunbrack-Birch) S.T. Sewer	C	1020	1985	p,n
Rosedale Ave. & Hillcrest Ave. (Rosedale-Central) Storm Sewer	B	160	1984	p,n
Sunnybrae Ave. & Willett St. Storm Sewer	B	175	1984	p,n
NEW SIDEWALKS				
Rufus Ave. (Dutch Village Road - Hillcrest Street)(S)	D	$228	later	p
Evans Ave. (Berts St-Glenforest)(S)	C	91	1985	n
Evans Ave. (Titus-Berts St.)(S)	B	40	1984	p,n
Ford Street (Main Ave.-Evans Ave.)	D	30	later	n
Joseph Howe Dr. (Bayers Road - Dutch Village Rd.)(W)	D	75	later	n
Rosedale Ave. (Willett-Gesner)(W)	D	60	later	n
Rosedale Ave. (Alex-Willett)(N)	D	140	later	n
Rosedale Ave. (Dutch Village Rd.-Alex)(N)	D	140	later	n
NEW PAVING				
Rosedale Ave. (Gesner-400')(W)	A	180	1981-82	c
Main Avenue (Dunbrack St. - NSPC Powerline)	C	250	1985	n
Gesner (Coronation-Melrose Ave.)	C	500	1985	n

* Priority Codes: A-Basic and Necessary
B-Desirable
C-Acceptable
D-Deferrable

** Status Codes: c-Completed
p-Postponed
n-expenditures not yet approved by Council, (,000).

SOURCE: 1982 Capital Budget as approved by City of Halifax Council, January 14, 1982. Priorities, Cost Forecast and Status of Projects proposed for 1983-1985 updated from Proposed Capital Budget, 1983-85, September, 1982.

N.B. All expenditures for 1983 and later subject to review by new Council.

Canadian Home Insulation Program (CMHC)
- for all houses, apartments and mobile homes built before 1977 available to owners, landlords or tenants
- two applications per unit allowed

Further information: CHIP - 565-7627

Canada Oil Substitution Program (Energy, Mines and Resources, Canada)
- for converting or supplementing oil with wood, solar or other renewable sources

Further information: Conservation & Renewable Energy Office
426-8600

Canada Home Renovation Program (CMHC)
- forgivable loans for up to 30% of most home renovation costs, depending on income

Further information: CMHC - 454-8352

Senior Citizens Assistance Program (Nova Scotia Housing Commission)
- to encourage seniors to maintain their own homes

Access-A-Home Programs (NSHC)
- for modifications to the homes of those confined to a wheel-chair

Further information: NSHC 835-8995

New Housing Programs

Continuing Co-Operative Housing - (CMHC)
- financial assistance to enable the construction or purchase and renovation of buildings for co-operative home ownership

Further information: Continuing Co-Op Resource Groups
Access Housing Corporation: 423-1237
Neighbourhood Housing Association: 422-6033

Community Improvement Program

Mainstreet Program (Nova Scotia Department of Development)
- to assist the private commercial sector (in co-operation with the municipal Council) to revitalize downtowns, by providing financial assistance for improving:
  (1) the physical environment
  (2) marketing plans

Further information: N.S. Department of Development - 429-2167.

POOR

QUALITY

ORIGINAL